

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In re: MORICHES FITNESS, INC.

§ Case No. 8-15-75454-LAS

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Debtor(s)

**CHAPTER 7 TRUSTEE'S FINAL ACCOUNT AND DISTRIBUTION  
REPORT CERTIFICATION THAT THE ESTATE HAS BEEN FULLY ADMINISTERED  
AND APPLICATION TO BE DISCHARGED (TDR)**

R. KENNETH BARNARD, ESQ., chapter 7 trustee, submits this Final Account, Certification that the Estate has been Fully Administered and Application to be Discharged.

1) All funds on hand have been distributed in accordance with the Trustee's Final Report and, if applicable, any order of the Court modifying the Final Report. The case is fully administered and all assets and funds which have come under the trustee's control in this case have been properly accounted for as provided by law. The trustee hereby requests to be discharged from further duties as a trustee.

2) A summary of assets abandoned, assets exempt, total distributions to claimants, claims discharged without payment, and expenses of administration is provided below:

Assets Abandoned: <u>\$42,397.94</u> (without deducting any secured claims)	Assets Exempt: <u>N/A</u>
Total Distribution to Claimants: <u>\$12,827.68</u>	Claims Discharged Without Payment: <u>N/A</u>
Total Expenses of Administration: <u>\$14,930.30</u>	

3) Total gross receipts of \$ 27,757.98 (see **Exhibit 1**), minus funds paid to the debtor and third parties of \$ 0.00 (see **Exhibit 2**), yielded net receipts of \$27,757.98 from the liquidation of the property of the estate, which was distributed as follows:

	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
SECURED CLAIMS (from <b>Exhibit 3</b> )	\$0.00	\$7,500.00	\$7,500.00	\$7,500.00
PRIORITY CLAIMS: CHAPTER 7 ADMIN. FEES AND CHARGES (from <b>Exhibit 4</b> )	0.00	14,930.30	14,930.30	14,930.30
PRIOR CHAPTER ADMIN. FEES AND CHARGES (from <b>Exhibit 5</b> )	0.00	0.00	0.00	0.00
PRIORITY UNSECURED CLAIMS (from <b>Exhibit 6</b> )	0.00	1,758.62	1,758.62	1,758.62
GENERAL UNSECURED CLAIMS (from <b>Exhibit 7</b> )	0.00	264,477.86	264,477.86	3,569.06
<b>TOTAL DISBURSEMENTS</b>	\$0.00	\$288,666.78	\$288,666.78	\$27,757.98

4) This case was originally filed under Chapter 7 on December 22, 2015.  
The case was pending for 20 months.

5) All estate bank statements, deposit slips, and canceled checks have been submitted to the United States Trustee.

6) An individual estate property record and report showing the final accounting of the assets of the estate is attached as **Exhibit 8**. The cash receipts and disbursements records for each estate bank account, showing the final accounting of the receipts and disbursements of estate funds is attached as **Exhibit 9**.

Pursuant to Fed R Bank P 5009, I hereby certify, under penalty of perjury, that the foregoing report is true and correct.

Dated: 09/07/2017 By: /s/R. KENNETH BARNARD, ESQ.  
Trustee

**STATEMENT:** This Uniform Form is associated with an open bankruptcy case, therefore, Paperwork Reduction Act exemption 5 C.F.R. § 1320.4(a)(2) applies.

**EXHIBITS TO  
FINAL ACCOUNT**

**EXHIBIT 1 –GROSS RECEIPTS**

DESCRIPTION	UNIFORM TRAN. CODE <sup>1</sup>	\$ AMOUNT RECEIVED
JP Morgan Chase Bank acct 0523	1129-000	2,757.98
Various Gym Equipment	1129-000	25,000.00
<b>TOTAL GROSS RECEIPTS</b>		<b>\$27,757.98</b>

<sup>1</sup>The Uniform Transaction Code is an accounting code assigned by the trustee for statistical reporting purposes.

**EXHIBIT 2 –FUNDS PAID TO DEBTOR & THIRD PARTIES**

PAYEE	DESCRIPTION	UNIFORM TRAN. CODE	\$ AMOUNT PAID
	None		
<b>TOTAL FUNDS PAID TO DEBTOR AND THIRD PARTIES</b>			<b>\$0.00</b>

**EXHIBIT 3 –SECURED CLAIMS**

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6D)	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
LIEN	Derrick K Miller	4210-000	N/A	7,500.00	7,500.00	7,500.00
<b>TOTAL SECURED CLAIMS</b>			<b>\$0.00</b>	<b>\$7,500.00</b>	<b>\$7,500.00</b>	<b>\$7,500.00</b>

**EXHIBIT 4 –CHAPTER 7 ADMINISTRATIVE FEES and CHARGES**

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
Trustee Compensation - R. KENNETH BARNARD, ESQ.	2100-000	N/A	3,525.80	3,525.80	3,525.80
Other - LaMonica, Herbst & Maniscalco LLP	3210-000	N/A	8,000.00	8,000.00	8,000.00
Other - LaMonica, Herbst & Maniscalco LLP	3220-000	N/A	939.32	939.32	939.32
Other - Paritz & Company, P.A.	3410-000	N/A	2,000.00	2,000.00	2,000.00

Other - Rabobank, N.A.	2600-000	N/A	25.10	25.10	25.10
Other - Rabobank, N.A.	2600-000	N/A	34.62	34.62	34.62
Other - Rabobank, N.A.	2600-000	N/A	34.57	34.57	34.57
Other - Rabobank, N.A.	2600-000	N/A	39.30	39.30	39.30
Other - Rabobank, N.A.	2600-000	N/A	34.47	34.47	34.47
Other - Rabobank, N.A.	2600-000	N/A	39.18	39.18	39.18
Other - Rabobank, N.A.	2600-000	N/A	35.56	35.56	35.56
Other - Rabobank, N.A.	2600-000	N/A	34.32	34.32	34.32
Other - Rabobank, N.A.	2600-000	N/A	37.83	37.83	37.83
Other - Rabobank, N.A.	2600-000	N/A	35.40	35.40	35.40
Other - International Sureties, Ltd	2300-000	N/A	6.56	6.56	6.56
Other - Rabobank, N.A.	2600-000	N/A	37.80	37.80	37.80
Other - Rabobank, N.A.	2600-000	N/A	33.03	33.03	33.03
Other - Rabobank, N.A.	2600-000	N/A	37.44	37.44	37.44
<b>TOTAL CHAPTER 7 ADMIN. FEES AND CHARGES</b>		N/A	\$14,930.30	\$14,930.30	\$14,930.30

**EXHIBIT 5 –PRIOR CHAPTER ADMINISTRATIVE FEES and CHARGES**

PAYEE	UNIFORM TRAN. CODE	CLAIMS SCHEDULED	CLAIMS ASSERTED	CLAIMS ALLOWED	CLAIMS PAID
None					
<b>TOTAL PRIOR CHAPTER ADMIN. FEES AND CHARGES</b>		N/A	\$0.00	\$0.00	\$0.00

**EXHIBIT 6 –PRIORITY UNSECURED CLAIMS**

CLAIM NO.	CLAIMANT	UNIFORM TRAN. CODE	CLAIMS SCHEDULED (from Form 6E)	CLAIMS ASSERTED (from Proofs of Claim)	CLAIMS ALLOWED	CLAIMS PAID
7	New York State Department of Taxation & Finance	5800-000	N/A	1,758.62	1,758.62	1,758.62
<b>TOTAL PRIORITY UNSECURED CLAIMS</b>			\$0.00	\$1,758.62	\$1,758.62	\$1,758.62

**EXHIBIT 7 –GENERAL UNSECURED CLAIMS**

<b>CLAIM NO.</b>	<b>CLAIMANT</b>	<b>UNIFORM TRAN. CODE</b>	<b>CLAIMS SCHEDULED (from Form 6F)</b>	<b>CLAIMS ASSERTED (from Proofs of Claim)</b>	<b>CLAIMS ALLOWED</b>	<b>CLAIMS PAID</b>
1	NYS Dept of Labor	7100-000	N/A	N/A	0.00	0.00
2	M&T Bank	7100-000	N/A	50,025.97	50,025.97	675.09
3	MORICHES INDUSTRIAL PARK LLC	7100-000	N/A	135,702.00	135,702.00	1,831.26
4	PSEG LI	7100-000	N/A	981.65	981.65	13.25
5	AMERICAN EXPRESS TRAVEL RELATED SERVICES	7100-000	N/A	2,035.00	2,035.00	27.46
6	GENEVA CAPITAL	7100-000	N/A	75,733.24	75,733.24	1,022.00
<b>TOTAL GENERAL UNSECURED CLAIMS</b>			\$0.00	\$264,477.86	\$264,477.86	\$3,569.06

# Form 1

## Individual Estate Property Record and Report

### Asset Cases

Case Number: 8-15-75454-LAS

Trustee: (520840) R. KENNETH BARNARD, ESQ.

Case Name: MORICHES FITNESS, INC.

Filed (f) or Converted (c): 12/22/15 (f)

§341(a) Meeting Date: 01/21/16

Period Ending: 09/07/17

Claims Bar Date: 06/16/16

1 Asset Description (Scheduled And Unscheduled (u) Property) Ref. #	2 Petition/ Unscheduled Values	3 Estimated Net Value (Value Determined By Trustee, Less Liens, Exemptions, and Other Costs)	4 Property <u>Abandoned</u> OA=\$554(a)	5 Sale/Funds Received by the Estate	6 Asset Fully Administered (FA)/ Gross Value of Remaining Assets
1 M&T Bank acct	123.45	0.00		0.00	FA
2 JP Morgan Chase Bank Acct 8592	3,447.83	0.00		0.00	FA
3 JP Morgan Chase Bank acct 0523	4,907.84	0.00		2,757.98	FA
4 Security Deposit	30,586.66	0.00		0.00	FA
5 Tanning Bed, showcase cabinet, 12 counter stools	3,740.00	0.00		0.00	FA
6 6 flat screen TV's, 4 Computers, Ice Machine	4,500.00	0.00		0.00	FA
7 Various Gym Equipment	95,460.00	25,000.00		25,000.00	FA
<b>7 Assets Totals (Excluding unknown values)</b>	<b>\$142,765.78</b>	<b>\$25,000.00</b>		<b>\$27,757.98</b>	<b>\$0.00</b>

**Major Activities Affecting Case Closing:**

The Debtor operated a health club. Trustee has entered into settlement with landlord whereby the lease was rejected and assets sold for \$25,000.

Initial Projected Date Of Final Report (TFR): December 31, 2016

Current Projected Date Of Final Report (TFR): April 20, 2017 (Actual)

## Form 2

### Cash Receipts And Disbursements Record

**Case Number:** 8-15-75454-LAS  
**Case Name:** MORICHES FITNESS, INC.

**Trustee:** R. KENNETH BARNARD, ESQ. (520840)

**Bank Name:** Rabobank, N.A.

**Account:** \*\*\*\*\*6166 - Checking Account

**Blanket Bond:** \$77,628,510.00 (per case limit)

**Separate Bond:** N/A

**Taxpayer ID #:** \*\*-\*0130

**Period Ending:** 09/07/17

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
03/09/16	{7}	Vincent A Trapani c/o USA Industries	Payment received under the stipulation between Trustee and Landlord	1129-000	25,000.00		25,000.00
03/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		25.10	24,974.90
04/29/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		34.62	24,940.28
05/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		34.57	24,905.71
06/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		39.30	24,866.41
07/29/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		34.47	24,831.94
08/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		39.18	24,792.76
09/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		35.56	24,757.20
10/31/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		34.32	24,722.88
11/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		37.83	24,685.05
12/30/16		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		35.40	24,649.65
01/11/17	101	International Sureties, Ltd	BOND PREMIUM PAYMENT ON LEDGER BALANCE AS OF 01/11/2017 FOR CASE #815-75454	2300-000		6.56	24,643.09
01/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		37.80	24,605.29
02/28/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		33.03	24,572.26
03/23/17	{3}	JP Morgan Chase	Turn over of funds in bank account	1129-000	2,757.98		27,330.24
03/31/17		Rabobank, N.A.	Bank and Technology Services Fee	2600-000		37.44	27,292.80
06/19/17	102	Derrick K Miller	Dividend paid 100.00% on \$7,500.00; Claim# LIEN; Filed: \$7,500.00; Reference:	4210-000		7,500.00	19,792.80
06/19/17	103	R. KENNETH BARNARD, ESQ.	Dividend paid 100.00% on \$3,525.80, Trustee Compensation; Reference:	2100-000		3,525.80	16,267.00
06/19/17	104	LaMonica, Herbst & Maniscalco LLP	Dividend paid 100.00% on \$8,000.00, Attorney for Trustee Fees (Other Firm); Reference:	3210-000		8,000.00	8,267.00
06/19/17	105	LaMonica, Herbst & Maniscalco LLP	Dividend paid 100.00% on \$939.32, Attorney for Trustee Expenses (Other Firm); Reference:	3220-000		939.32	7,327.68
06/19/17	106	Paritz & Company, P.A.	Dividend paid 100.00% on \$2,000.00, Accountant for Trustee Fees (Other Firm); Reference:	3410-000		2,000.00	5,327.68
06/19/17	107	New York State Department of Taxation & Finance	Dividend paid 100.00% on \$1,758.62; Claim# 7; Filed: \$1,758.62; Reference:	5800-000		1,758.62	3,569.06
06/19/17	108	M&T Bank	Dividend paid 1.34% on \$50,025.97; Claim# 2; Filed: \$50,025.97; Reference:	7100-000		675.09	2,893.97
06/19/17	109	MORICHES INDUSTRIAL PARK LLC	Dividend paid 1.34% on \$135,702.00; Claim# 3; Filed: \$135,702.00; Reference:	7100-000		1,831.26	1,062.71
06/19/17	110	PSEG LI	Dividend paid 1.34% on \$981.65; Claim# 4; Filed: \$981.65; Reference:	7100-000		13.25	1,049.46

Subtotals :

\$27,757.98

\$26,708.52

## Form 2

### Cash Receipts And Disbursements Record

**Case Number:** 8-15-75454-LAS  
**Case Name:** MORICHES FITNESS, INC.

**Trustee:** R. KENNETH BARNARD, ESQ. (520840)  
**Bank Name:** Rabobank, N.A.  
**Account:** \*\*\*\*\*6166 - Checking Account  
**Blanket Bond:** \$77,628,510.00 (per case limit)  
**Separate Bond:** N/A

**Taxpayer ID #:** \*\*-\*\*\*0130  
**Period Ending:** 09/07/17

1 Trans. Date	2 {Ref #} / Check #	3 Paid To / Received From	4 Description of Transaction	T-Code	5 Receipts \$	6 Disbursements \$	7 Checking Account Balance
06/19/17	111	AMERICAN EXPRESS TRAVEL RELATED SERVICES	Dividend paid 1.34% on \$2,035.00; Claim# 5; Filed: \$2,035.00; Reference:	7100-000		27.46	1,022.00
06/19/17	112	GENEVA CAPITAL	Dividend paid 1.34% on \$75,733.24; Claim# 6; Filed: \$75,733.24; Reference:	7100-000		1,022.00	0.00

<b>ACCOUNT TOTALS</b>	<b>27,757.98</b>	<b>27,757.98</b>	<b>\$0.00</b>
Less: Bank Transfers	0.00	0.00	
<b>Subtotal</b>	<b>27,757.98</b>	<b>27,757.98</b>	
Less: Payments to Debtors		0.00	
<b>NET Receipts / Disbursements</b>	<b>\$27,757.98</b>	<b>\$27,757.98</b>	

Net Receipts :	27,757.98
Net Estate :	\$27,757.98

	Net Receipts	Net Disbursements	Account Balances
<b>TOTAL - ALL ACCOUNTS</b>			
Checking # *****6166	27,757.98	27,757.98	0.00
	<b>\$27,757.98</b>	<b>\$27,757.98</b>	<b>\$0.00</b>